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ATTORNEY'S DOCKET NO. C1102/7002(HCL)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Newell et al.  
Serial No: 09/823,886  
Filed: March 30, 2001  
For: COMPOSITIONS AND METHODS FOR REGULATING METABOLISM IN PLANTS  
Examiner: Unassigned  
Art Unit: 1646 38 *Kallis*

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CERTIFICATE OF MAILING UNDER 37 C.F.R. 1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, Washington, D.C. 20231, on the 28 day of November, 2001.

*Helen C. Lockhart*  
Helen C. Lockhart

COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231

Sir:

Transmitted herewith is/are the following document(s):

- ☒ Information Disclosure Statement (After International Search Report)
- ☒ Form PTO-1449 with Cited References
- ☒ Certificate of Mailing
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

No check is enclosed. If a fee is required, the balance may be charged to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully Submitted,

*Helen C. Lockhart*  
Helen C. Lockhart  
Reg. No. 39,248  
Wolf, Greenfield & Sacks, P.C.  
600 Atlantic Avenue  
Boston, MA 02210-2211  
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Docket No. C1102/7002(HCL)  
Date: November 28, 2001  
X12/09/01

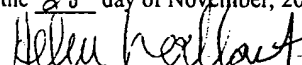
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For: COMPOSITIONS AND METHODS FOR REGULATING METABOLISM IN PLANTS  
Examiner: Unassigned  
Art Unit: 1616

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Helen C. Lockhart

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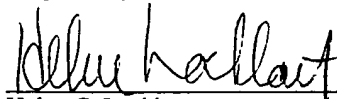
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Helen C. Lockhart

Commissioner for Patents  
Washington, D.C. 20231

STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

PTA

Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by the office of the undersigned more than 30 days prior to filing of this Information Disclosure Statement.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART IV: Remarks

Documents cited on the attached form PTO-1449 (modified) are enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Art Unit: 1616

Serial No.: 09/823,886

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By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
*Newell et al., Applicant(s)*

By: 

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Docket No. C1102/7002(HCL)  
Dated: November 28, 2001  
X12/09/01

JAN 22 2002

FORM 1-1449/A and (Modified)

# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

APPLICATION NO.: 09/823,886

ATTY. DOCKET NO.: C1102/7002

FILING DATE: March 30, 2001

APPLICANT: Newell et al.

GROUP ART UNIT: 1616

EXAMINER: Unassigned

Sheet 1 of 1

## **U.S. PATENT DOCUMENTS**

Examiner's Initials#	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		
	A13	5,360,726	B1	Raikhel	11/01/1994

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## **FOREIGN PATENT DOCUMENTS**

Examiner's Initials#	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
	B6	WO	88/02402	A1	Calgene, Inc.	04/07/1988	.
	B7	FR	2 767 058	A1	Centre National De La Recherche Scientif.	02/12/1999	N
	B8	PCT	US01/10236		International Search Report	03/30/2001	

## **OTHER ART — NON PATENT LITERATURE DOCUMENTS**

Examiner's Initials#	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)	
	C29	CONLAY, L.A. et al., "A plant cold-induced uncoupling protein", <i>Nature</i> , September 11, 1997, Pages 135-136, Vol. 389		
	C30	RICQUIER, D. et al., "The uncoupling protein homologues: UCPI, UCP2, UCP3, StUCP and AtUCP", <i>Biochem. J.</i> , 2000, Pages 161-179, Vol. 345, Bilchemical Society, Printed in Great Britain		
	C31	SAVIANI, E.E. et al., "Fatty Acid-Mediated Uncoupling of Potato Tuber Mitochondria", <i>Biochemistry and Molecular Biology International</i> , April 1998, Pages 833-839, Vol. 44, No. 4, Academic Press Australia		
	C32	WINKLER, E. et al., "UCP3 Expressed in Yeast is Primarily Localized in Extramitochondrial Particles", <i>Biochemical and Biophysical Research Communications</i> , 2001, Pages 334-340, Vol. 282, Academic Press		

EXAMINER	DATE CONSIDERED
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

\*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).